

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
SEP 24 2004

In re application of:

Gastineau *et al.*

Appl. No. 09/536,258

Filed: March 27, 2000

For: Hedging Exchange Traded Mutual Funds
or Other Portfolio Basket Products

Art Unit: 3628

Examiner: Charles

Atty. Docket: 00322.0007.NPUS00

Reply and Amendment Under 37 C.F.R. § 1.111***Mail Stop Amendment***Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 29, 2004, (PTO Prosecution File Wrapper Paper No. 14), Applicants submit the following Amendments and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0007.NPUS00.

SEP. 24. 2004 4:11PM

HOWREY] SIMON-WHITE

NO. 575 P. 1



1299 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2402
PHONE: 202.783.0800 • FAX: 202.383.6610

RECEIVED
CENTRAL FAX CENTER

SEP 24 2004

FACSIMILE COVER SHEET

DATE:	<u>September 24, 2004</u>		
TO:	NAME:	<u>Examiner Debra Charles</u>	
	COMPANY:	<u>U.S. Patent and Trademark Office, Art Unit 3628</u>	
	FAX NUMBER:	<u>703-872-9306</u>	PHONE NUMBER: <u>703-305-4718</u>
	CITY:	<u>Alexandria, VA</u>	
FROM:	NAME:	<u>Michael J. Stimson</u>	
	DIRECT DIAL NUMBER:	<u>202-383-6906</u>	USER ID: <u>2382</u>
NUMBER OF PAGES, INCLUDING COVER:	<u>20</u>	CHARGE NUMBER:	<u>00322.0007.NPUS00</u>
<input checked="" type="checkbox"/> ORIGINAL WILL FOLLOW VIA:			
<input type="checkbox"/> REGULAR MAIL <input type="checkbox"/> OVERNIGHT DELIVERY <input checked="" type="checkbox"/> HAND DELIVERY <input type="checkbox"/> OTHER: _____			
<input type="checkbox"/> ORIGINAL WILL NOT FOLLOW			

SUPPLEMENTAL MESSAGE:

Re: Application No. 09/536,258

Examiner Charles:

Enclosed please find a response to the Office Action of June 29, 2004. We will also file a confirmation copy by courier.

Regards,

Michael J. Stimson
Reg. No. 45,429

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE PLEASE CALL 202.383.7197

Atty. Ref.: 00322.0007.NPUS00

Date: September 24, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: Gary L. GASTINEAU *et al.*

Serial No.: 09/536,258

Filing Date: March 27, 2000

Art Unit 3628

Examiner: Charles

Title: Hedging Exchange Traded Mutual Funds or Other Portfolio Basket Products**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. 1450

Alexandria, VA 22313-1450

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Letter to the Commissioner for Patents (in duplicate); and
2. Reply and Amendment Under 37 C.F.R. § 1.111.

Return file to: Annette Pray

RECEIVED
CENTRAL FAX CENTER

SEP 24 2004

1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

September 24, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/536,258
Filed: March 27, 2000
For: **Hedging Exchange Traded Mutual Funds or
Other Portfolio Basket Products**
Inventor: G. Gastineau *et al.*
Our Ref: 00322.0007.NPUS00

Sir:

The following documents are forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Reply and Amendment Under 37 C.F.R. § 1.111; and
2. Return Receipt Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038, referencing the above docket number. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)
Michael J. Stimson (Reg. No. 45,429)

Enclosures